

REMARKS

This responds to the Office Action mailed on December 11, 2009. Claims 1, 9, and 24 are amended. No claims are canceled or added. As a result, claims 1-11, 13, 14, and 16-28 remain pending in this patent application.

Applicant respectfully submits that the amendments and additions to the claims are fully supported by the specification, as originally filed, and that no new matter has been added. For instance, support for the amendments can be found in the specification at least at page 9, line 28 to page 11, line 9; and FIG. 3. Applicant hereby respectfully requests further examination and reconsideration of the application in view of the following remarks.

Interview Summary

Applicant thanks Examiner Sheetal Rangrej and Supervisory Patent Examiner Gerald O'Connor (hereinafter, "the Examiners") for the courtesy of a helpful telephone interview on March 1, 2010, with Applicant's representatives, Michael P. Horvath and Suncel Arora. Applicant's representatives discussed a proposed amendment to claim 1 with respect to LaPorte et al. (U.S. Patent Application Publication No. 2005/0182389). Specifically, Applicant's representatives discussed with the Examiners amending the independent claims to include language directed to a pill-dispensing containment unit including a pill receptacle configured to be selectively accessed by a person to dispense diuretic medication. The Examiners agreed that it does not appear that LaPorte et al. describes such features and agreed that it would appear that the proposed amendment would overcome the present rejections. However, the Examiners stated that they would have to review LaPorte et al. further with respect to such features before withdrawing the rejections. Also, the Examiners indicated that a further search may be required.

Applicant has presented amendments in line with the amendment proposals discussed during the telephone interview. Accordingly, Applicant submits that the pending claims overcome the present rejections and are in condition for allowance. In the interest of cost-effectively furthering prosecution, the Examiners are invited to contact Applicant's representatives to further discuss the current rejections and/or the presently-pending claims should any additional issues arise with respect to this application.

The Rejection of Claims Under §102

Claim 1-6, 8, 9, and 11-20 are rejected under 35 U.S.C. §102(e) for anticipation by LaPorte et al. (U.S. Patent Application Publication No. 2005/0182389). Applicant respectfully traverses this rejection.

As an initial note, the call of the rejection contends that claims 1-6, 8, 9, and 11-20 are rejected but that the body of the rejection addresses claims 1-6, 8, 9, 13, 14, and 16-22. Applicant has treated the call of the rejection as a typographical error and has assumed that the Office Action intended to reject claims 1-6, 8, 9, 13, 14, and 16-22. If this assumption is incorrect, Applicant requests clarification and further opportunity to respond.

Applicant cannot find each and every recitation in claims 1-6, 8, 9, 13, 14, and 16-22 in LaPorte et al. For instance, Applicant cannot find in LaPorte et al. “an external, non-ambulatory pill-dispensing containment unit configured to accessibly house diuretic medication, the containment unit including a diuretic medication pill receptacle configured to house the diuretic medication and configured to be selectively accessed by a person to dispense the diuretic medication; and . . . said containment unit including a communications and control system that records and transmits data relating to a medication event, the medication event data including information related to the dispensing, said containment unit control system further providing for transmitting and receiving medication therapy data,” as recited in amended claim 1 or as similarly recited in amended claim 9.

The Office Action at page 2 and page 4 contends that LaPorte et al. includes a non-ambulatory device. However, Applicant respectfully disagrees that LaPorte et al. shows such a non-ambulatory device. Instead, LaPorte et al. shows and describes a patch or other such device to be worn on a patient’s body. (See LaPorte et al. at page 2, paragraphs [0037] and [0038].) For instance, LaPorte et al. states that “the device is configured to be in contact with the skin of the patient. For example, a patch may be adhered to the skin of the patient, it may be maintained in contact via a strap such as with a wristwatch, it may be a ring worn around a patient's finger, or it may be attached via a larger strap worn around a patient's torso or other body part.” (LaPorte et al. at page 2, paragraph [0037].) LaPorte et al. goes on to state that “[t]he patch may be attached to the skin of a patient at any location on the patient where the patch can receive the necessary

information to make a determination to deliver a therapeutic substance to the patient and advantageously deliver the therapeutic substance.” (LaPorte et al. at page 2, paragraph [0038].) LaPorte et al. further describes a “device [that] delivers a therapeutic substance to the patient while allowing the patient to remain mobile.” (LaPorte et al. at page 1, paragraph [0007].) As such, LaPorte et al. describes only ambulatory patches or other devices and does not describe a non-ambulatory device, such as that recited in the present claims, that is not intended to be adhered to or otherwise worn by the user. Therefore, Applicant submits that LaPorte et al. does not describe a non-ambulatory device, such as that which is recited in claims 1 and 9.

LaPorte et al. also lacks a pill-dispensing containment unit including a diuretic medication pill receptacle configured to house the diuretic medication and configured to be selectively accessed by a person to dispense the diuretic medication, as is essentially recited in claims 1 and 9. Instead, LaPorte et al. describes an “infusion patch attached to the skin of a patient” for infusion of a therapeutic substance. (LaPorte et al. at page 2, paragraph [0036].) Applicant cannot find any description in LaPorte et al. directed to a pill-dispensing unit including a pill receptacle configured to be selectively accessed by a person to dispense the diuretic medication, as is essentially recited in claims 1 and 9.

For at least these reasons, Applicant respectfully submits that LaPorte et al. does not show each and every recitation of independent claims 1 and 9.

Claims 2-6 and 8 depend from independent claim 1; and claims 13, 14, and 16-22 depend from independent claim 9. Accordingly, claims 10-14 and 16-23 incorporate the features of claim 9. For at least reasons analogous to those stated above with respect to claims 1 and 9, claims 2-6, 8, 13, 14, and 16-22 are accordingly believed to be patentable. For brevity, Applicant defers (but reserves the right to present) further remarks, such as concerning any dependent claims, which are believed separately patentable.

For at least these reasons, Applicant submits that claims 1-6, 8, 9, 13, 14, and 16-22 are allowable over LaPorte et al. and respectfully requests reconsideration and withdrawal of this rejection.

The Rejection of Claims Under §103

Claims 7, 10, and 23-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over LaPorte et al. in view of Mann et al. (U.S. Patent Application Publication No. 2004/0147969). In view of at least the foregoing amendment and the following remarks, Applicant respectfully traverses this rejection.

Applicant cannot find in the cited portions of the references or the Office Action's reasoning each element presently or similarly recited or incorporated in claims 7, 10, and 23-28. For instance, Applicant cannot find in LaPorte et al. or Mann et al., alone or in combination, a "method for remote management of a medication therapy using an external, non-ambulatory, pill-dispensing medication containment unit, the method comprising . . . sensing when the external, non-ambulatory, pill-dispensing medication containment unit is engaged and recording the same as a medication event, the containment unit including a diuretic medication pill receptacle configured to house the diuretic medication and configured to be selectively accessed by a person to dispense the diuretic medication, wherein the medication event data includes information related to the dispensing," as recited in claim 24.

For reasons analogous to those above, LaPorte et al. does not describe a method of using such a non-ambulatory device, as is recited in claim 24. Neither Mann et al. nor the Office Action's reasoning remedy this deficiency. Mann et al. relates to "[a]n apparatus for treating cardiovascular disease in a medical patient." (See Mann et al. at Abstract.) Mann et al. describes the apparatus as including a "patient advisory module 6. In one embodiment, the patient advisory module 6 includes a palm-type computer with added hardware and software. . . . In one embodiment, the processing unit 166 includes a palm-type computer, or personal digital assistant (PDA), as is well known to those of skill in the art." (Mann et al. at page 9, paragraph [0099].) As such, Mann et al. describes an ambulatory patient advisory module and does not include a method of using such a non-ambulatory device.

Moreover, for reasons analogous to those above, LaPorte et al. does not describe method for a pill-dispensing medication containment unit including a diuretic medication pill receptacle configured to house the diuretic medication and configured to be selectively accessed by a person to dispense the diuretic medication, wherein the medication event data includes

information related to the dispensing, as is essentially recited in claim 24. Neither Mann et al. nor the Office Action's reasoning remedy this deficiency. Applicant cannot find in Mann et al. any discussion related to "sensing when the external, non-ambulatory, pill-dispensing medication containment unit is engaged and recording the same as a medication event, the containment unit including a diuretic medication pill receptacle configured to house the diuretic medication and configured to be selectively accessed by a person to dispense the diuretic medication, wherein the medication event data includes information related to the dispensing," as is recited in claim 24. Instead, Mann et al. describes a graphical interface that prompts a user to press a button when medication has been taken. Assuming the user pushes the button whenever medication is taken, the graphical interface can keep track of how much medication is remaining. (See Mann et al. at pages 34-35, paragraph [0373].) That is, Mann et al. relies on patient input and does not sense when a external, non-ambulatory, pill-dispensing medication containment unit is engaged and record the same as a medication event.

For at least these reasons, the references in combination with the reasoning of the Office Action fail to show each and every recitation of independent claim 24.

Claim 7 depends from independent claim 1; claims 10 and 23 depend from independent claim 9; and claims 25-28 depend from independent claim 24. Accordingly, each of these claims incorporate the features of one of independent claims 1, 9, and 24. For at least reasons analogous to those stated above with respect to claims 1, 9, and 24, claims 2-8, 10, 11, 13, 14, and 16-23, and 25-28 are accordingly believed to be patentable. For brevity, Applicant defers (but reserves the right to present) further remarks, such as concerning any dependent claims, which are believed separately patentable.

For at least these reasons, Applicant submits that claims 7, 10, and 23-28 are allowable over the references, in combination with the reasoning set forth in the Office Action, and respectfully requests reconsideration and withdrawal of this rejection.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 359-3275 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 4th day of March, 2010.

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